

Marlojong Married Customary Law in the Angkola Batak Tribe

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Abstract. This paper aims to analyze and explore the marlojong tradition before marriage in the Angkola Batak Region (Madina, Tapsel, Paluta). Marlojong is the act of a couple who are not approved by their parents (guardians) for some reason by running to the house of traditional elders (traditional elders) or respected families. Eloping can reduce the dignity of women and their parents. So, that was the reason for the traditional elders to call them. Data was collected by observation and literature study as well as interviews with couples who performed Marlojong. Research indicates that Marlojong, traditionally seen as a couple fleeing to the home of an elder to circumvent parental reluctance and reduce dowry payments (Parobanan), serves as a customary means to resolve issues without involving religious courts. Despite its negative perception, Marlojong allows young people facing obstacles in finding a partner to navigate challenges posed by guardians and dowry expectations under religious law. However, instances where parents report Marlojong as kidnapping often lead to traditional reconciliation efforts, potentially thwarting wedding plans.

Keywords: Marlojong Marriage, Marriage Customary Law, Traditional Elders, Family

1 Introduction

1.1 Marlojong Customary Law

Marlojong has been done for a long time throughout the Angkola Batak civilization. Until now it is still practiced in villages and remote areas. However, in cities, it is rarely done, but it is still practiced today and this is legal according to custom, and in the 1970s almost 50 percent of marriages even began with Marlojong because Marlojong was a process of simplifying formal customs.

Putting Marlojong's marriage plans into practice can be explained if the young man and woman have agreed on who to marry but the obstacles are visible before both eyes (parents will not approve, economic obstacles, social obstacles, traditional obstacles, etc.).[1] Generally, the young man will take his future wife and two female friends to the man's house or the house of the kahanggi

(father's brother). Why accompanied by two female friends, is to avoid negative things and as a customary accommodation to Islamic law. Usually, before leaving the house, the future wife will leave an ulos and a letter as communication to her parents that she has gone to marlojong to the house of the young man of her dreams. With this communication, parents don't worry and don't look around. Next, when the man arrives at the man's house, the family will do a reception called "mayantan with itak poul-poul" (a typical Angkola food). Then invite close family and neighbors as notification. After that, the family will get ready to go to the woman's parents' residence to tell them that their daughter is safe. Usually, here we will discuss the next steps, dowry, marriage ceremony, reception, etc. If, for example, a woman's parents do not agree, Dalihan Natolu's role will be to work hard to resolve it.

According to Hazairin [2], Indonesian Customary Law states that customary law communities such as villages in Java, clans in South Sumatra, *nigari* in Minagkabau, *kuria* in Tapanuli, and *wanua* in South Sulawesi are social units that have completeness to be able to stand alone, namely to have legal unity, a unified authority, and a unified environment based on collective rights to land and water for all its members. The form of family law influences the general system of society. All members are equal in their rights and obligations. Likewise, the Marlojong custom has become a custom that is legally respected. It helps marital conflicts between families in the southern Tapanuli area where all members of the community obey it. Only sometimes cases arise when customary law clashes with civil law.

The meaning of elopement (Marlojong) according to the understanding of indigenous peoples varies. The Angkola people who live in the South Tapanuli area are in Sipirok, Padangsidempuan, Batangtoru, and surrounding areas. The Angkola community originally came from the Batak Kingdom, it is estimated that it was founded in 1305 in Sianjur Mula-mula Village, Pusuk Buhit, Lake Toba. Since then, the population has had a kinship system called Dalihan na Tolu (*dalihan* 'furnace', *na* 'yang', *tolu* 'three') which means 'three furnaces'. This kinship system has three basic elements which in the Angkola community consist of: 1) *kahanggi*, namely the male family from the male parent's lineage, 2) *anak boru*, namely the male family from the husband of the married sister/sister, and 3) *mora*, namely the male family of the wife's brothers.[3] These three elements play an important role in the family environment of the Angkola community. The conversation becomes smooth if the existence of these three elements is clear. These three elements need each other and function according to their position. The Batak family consists of Toba, Angkola, Mandailing, Karo, Simalungun, and Pakpak Dairi. In the Angkola community, kinship networks arise due to marriages, including Marlojong marriages "elopement." The form of marriage is often found in villages (*bona bulu*) and in urban areas where overseas people live. In general, according to the Angkola community, marriage can be done in two ways, namely: 1) with the knowledge of the family, which is called *dipabuat*, and 2) marriage without parental consent, which is called Marlojong. Each of these two methods has rules, procedures, and regulations that must always be obeyed by every Angkola Batak person.

Thus, every societal issue that arises within the community can be resolved with the assistance of Dalihan Na Tolu. This is why the presence of Dalihan Na Tolu is believed by the Angkola community/South Tapanuli local wisdom to be in a position to address issues and find its rightful place within Dalihan Na Tolu.[4] Consequently, no issue can be solved when approached

from the perspective of Dalihan Na Tolu. Hence, any Marlojong activities carried out by the community can be resolved by the traditional leaders and elders, as well as the parties involved in Dalihan Na Tolu.

Recently, problems have arisen when the parents of the woman do not approve of the Marlojong and report it to the police as a case of kidnapping. This situation creates a conflict between customary law and civil law. In certain cases, this report leads to the arrest of the prospective groom under the accusation of kidnapping. These conflicts between customary law and civil law do not necessarily end up in court but cause friction within the community, as sometimes the accused is detained at the police station.

1.2 Inhibiting factors and problems

The term "elopement" in Angkola society is called Marlojong. Based on its etymology, the word Marlojong comes from the prefix "mar" which means "ber," and then attached to the word "lojong" which means "run." So, the word Marlojong means 'to run'. Then the word marlojong evolved to mean "elope." According to the Angkola people, this marlojong "elopement" is a marriage that is acceptable according to customs. The Marlojong marriage is done without the knowledge/consent of the woman's parents.

The problem that arises with Marlojong is that sometimes it violates the Marriage Law, for example, if the prospective bride that Marlojong invites is not old enough. When both parties agree to this marriage, the religious court can reject and cancel this marriage. In some cases, prospective brides are not old enough so it will be difficult if they continue and will violate children's rights in the Child Protection Law because, if it is allowed, it will cause many excesses in the future if early marriage continues. However, the Religious Court Judge's policy is to grant dispensation if he considers the facts on the ground and considerations of harm.

One of the principles of marriage in Islam is the maturity of the prospective bride and groom, both male and female. The maturity in question is the maturity of the prospective bride and groom's age, maturity in thinking and acting so that the goals of the marriage as expected can be carried out well. However, based on the provisions of Article 7 paragraph (2) of the UUP, there is still a relaxation of the minimum age limit for male and female brides, namely that men or women who are not yet at least 19 years old can enter into marriage if they obtain a dispensation from the Religious Court. The request for dispensation is requested by the parents or guardians of the prospective Muslim groom or woman by submitting a request for marriage-age dispensation to the Religious Court.

For prospective grooms who have been detained for running away from other people's children, this can usually be resolved through traditional peace with decisions agreed upon by the traditional elders and Dalihan Natolu. Until now, marriage starting with Marlojong is still practiced in South Tapanuli and this is part of the customary law that is still in effect.

The table below shows the marriage applications submitted by Marlojong perpetrators with minors, most of which were accepted after the religious court judge granted it. However, there were two that were revoked because usually the prospective bride's parents had certain reasons, for example continuing their children's education and because of problems with not being approved and other social problems.

Table 1. Number of requests for marriage dispensation at the Angkola Panyabungan Religious Court

No	Year	MARRIAGE DISPENSATION APPLICATION DATA IN PANYABUNGAN RELIGIOUS COURT			
		Amount DK	APPROVED	REJECTED	REPEALED
1	2021	124	122	0	2

With the joint agreement of the Indonesian People's Representative Council and the President of the Republic of Indonesia, they have decided to revise the Marriage Law. The revised Marriage Law was promulgated on October 15, 2019. The revised article of the Marriage Law in this Law is Article 7 concerning the age of marriage. Originally in the UUP, the marriage age for men was 19 (nineteen) years and for women 16 (sixteen) years. As for the Revised UUP, the age of marriage for men and women is 19 (nineteen) years.

2 Discussion

The Marlojong wedding custom has existed for a long time, and the Angkola Batak civilization is still maintained and practiced today. However, it seems that there is already a combination of the Basandi Syarak custom and the Basandi Syarak Kitabullah. It seems that this is the spirit of the marlojong custom, so if you look at its practice, it has adopted Islamic law so this custom is still accepted as one of the highest customary laws for the Angkola Batak community. Only the practice adapts to the needs of the times.

The presence of 2 friends who were invited by the woman during Marlojong's escape to the prospective groom's house shows that customs and religion are still maintained. It means that people are not left alone together along the road to the man's house, then the ulos left as a message has Marlojong become a symbol of communication between parents and their daughters.

According to Soerjono Soekanto [5], if habits are recognized and accepted as rules, then those habits become codes of conduct or more. So, humans have a strong desire to live an orderly life.

However, the regularity for each may be different, so a guideline or benchmark is needed. If a regularity (which is essentially a regularity) is accepted as a rule, the binding force of the habit increases so that it becomes a code of conduct whose main characteristics are as follows:

1. Is a means of monitoring community behavior
2. Code of conduct is a code of conduct that orders or acts as a benchmark that limits aspects of the actions of members of society
3. Code of conduct identifies individuals and their groups
4. A code of conduct is a means of maintaining community solidarity

Therefore, in the custom of Malojong, it is very rare for cases to be brought to court. If it happens, it is usually due to the arrogance of parties who do not adhere to customary law. When conflicts arise, peaceful resolutions are also achieved with the involvement of the traditional elders and Dalihan Na Tolu.

For those who meet the requirements for marriage and practice Malojong, it is one option if there are obstacles such as lack of parental approval, social issues, economic difficulties, or customary constraints. The Malojong route can be an appropriate way to marry because it can be less expensive. It is because those involved in Malojong will quickly be married religiously and receive the blessing of the traditional elders and Dalihan Na Tolu.

However, for those who do not meet the marriage requirements according to the Marriage Law, such as being underage, Malojong becomes problematic. Early marriage does not provide adequate preparation for the couple. Early marriage can lead to conflicts between husband and wife because they are not mentally and psychologically ready. There will be family issues that the Malojong couple is not prepared to resolve.

Marrying a child under the age stipulated by the Marriage Law violates child protection laws. To avoid this, it is better to avoid Malojong marriages. Children need to complete their education so that when they marry, they can consider the pros and cons. Therefore, those who practice Malojong must meet the requirements and be capable of supporting a family (the man).

Prof. Ade Saptono [6], stated that to understand the law, one must know its purpose. Secondly, to understand the main characteristics of the law, one must go to the courts and not to legislative institutions. It can be stated that customary law is a valid law, and customary courts also decide what is best for their community, which is recognized by the state. In the case of Marlojong, it is clear where it will be resolved. Customary law is more competent to adjudicate it, and issues related to the violation of positive law can be resolved in religious courts. Ideally, these laws should work together to achieve a peaceful life.

3 Conclusion

Marlojong marriage is still relevant and appropriate if the participants are economically ready, meet the age requirements, and the man can support his wife. Marlojong marriage ultimately equates to a traditional marriage route (family introduction, proposal, marriage contract, reception).

Marlojong marriage is a means for young Batak Angkola men to choose their beloved (wife) if there are obstacles related to approval, economic, social, or customary issues. Customary law truly facilitates this with all its provisions so that premarital conflicts can be resolved by those involved in Marlojong marriage. The community still recognizes this custom, so if there are conflicts, there is no need to bring them to civil law, as ultimately the judge will make a fair decision. Furthermore, the Criminal Code (KUHP) already acknowledges the existence of customary law that still applies in Indonesia.

References

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